

1996. However, if notice is received by March 18, 1996 that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent documents will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under Section 307(b)(1) of the CAA, 42 U.S.C. 7607(b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 16, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See Section 307(b)(2) of the Act, 42 U.S.C. 7607(b)(2)).

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under 110 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the

State is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. Section 7410(a)(2) and 7410(k)(3).

#### Unfunded Mandates

Under Sections 202, 203 and 205 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of \$100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

Through submission of this state implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under section 110 of the Clean Air Act. These rules may bind State, local and tribal governments to perform certain duties. To the extent that the rules being approved by this action will impose any mandate upon the State, local or tribal governments either as the owner or operator of a source or as a regulator, or would impose any mandate upon the private sector, EPA's action will impose no new requirements; such sources are already subject to these regulations under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. EPA has also determined that this final action does not include a mandate that may result in estimated costs of \$100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: September 19, 1995.

Patrick M. Tobin,

*Acting Regional Administrator.*

Part 52 of chapter I, title 40, *Code of Federal Regulations*, is amended as follows:

#### PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

#### Subpart PP—South Carolina

2. Section 52.2120, is amended by adding paragraph (c)(39) to read as follows:

##### § 52.2120 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(39) The PSD regulation revisions to the South Carolina State Implementation Plan which were submitted on March 3, 1995.

(i) Incorporation by reference.

(A) Regulations 61-62.5, Standard No. 7 Prevention of Significant Deterioration; I.C(4), I.N(1)(c), I.O(2)(b), I.O(3), II.A, II.D, III.D(10)(b), III.H(1), III.I(1) through III.I(2)ii, IV.D (1) & (2), and IV.H(4) effective on November 25, 1994.

(ii) Other material. none

\* \* \* \* \*

[FR Doc. 96-2583 Filed 2-15-96; 8:45 am]

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#### 40 CFR Part 300

[FRL-5420-9]

#### National Oil and Hazardous Substances Pollution Contingency Plan National Priorities List

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of Deletion of Flowood Site from the National Priorities List (NPL).

**SUMMARY:** EPA, Region 4, announces the deletion of the Flowood Site from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). EPA and the State of Mississippi (State) have determined that all appropriate CERCLA actions have been implemented and that no further cleanup by responsible parties is appropriate. Moreover, EPA

and the State have determined that remedial activities conducted at the Site to date have been protective of public health, welfare, and the environment.

**EFFECTIVE DATE:** February 16, 1996.

**ADDRESSES:** Comprehensive information on this Site is available through the EPA Region 4 public docket, which is located at the Region 4 office and is available for viewing by appointment only from 9 a.m. to 4 p.m., Monday through Friday, excluding holidays. Requests for appointments or copies of the background information from the regional public docket should be directed to the EPA Region 4 Docket Office.

The address for the Regional Docket Office is: Ms. Debbie Jourdan, U.S. Environmental Protection Agency, Region 4, 345 Courtland Street, NE., Atlanta, Georgia 30365, Telephone No. (404) 347-3555, extension 6217

Background information from the regional public docket is also available for viewing at the Site information repository located at the following address: Pearl Public Library, 3470 Highway 80 East, Pearl, Mississippi 39208, Telephone No. (601) 932-2562.

**FOR FURTHER INFORMATION CONTACT:** Betty L. Winter, Community Involvement Specialist, U.S. Environmental Protection Agency, Region 4, 345 Courtland Street NE., Atlanta, Georgia 30365, (404) 347-2643 ext. 6264.

**SUPPLEMENTARY INFORMATION:** EPA announces the deletion of the Flowood Site in Rankin County, Mississippi from the National Priorities List (NPL), which is Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substances Superfund Response Trust Fund (Fund). Pursuant to 42 U.S.C. section 9605 (40 CFR 300.425(e)(3) of the NCP), any site deleted from the NPL remains eligible for Fund-financed Remedial Actions in the event that conditions at the site warrant such action.

EPA published a Notice of Intent to Delete the Flowood Site from the NPL on June 15, 1995 in the Federal Register (60 FR 31440). EPA received no comments on the proposed deletion; and, therefore, no responsiveness summary is necessary for attachment to this Notice of Deletion. Deletion of a site from the NPL does not affect the responsible party liability or impede

agency efforts to recover costs associated with response efforts.

#### List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: January 12, 1996.

Phyllis P. Harris,  
*Acting Regional Administrator, EPA Region 4.*

40 CFR part 300 is amended as follows:

#### PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757, 3 CFR, 191 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

#### Appendix B—[Amended]

2. Table 1 of appendix B to part 300 is amended by removing the Site "Flowood Site, Flowood, Mississippi".

[FR Doc. 96-3281 Filed 2-15-96; 8:45 am]

BILLING CODE 6560-50-P

## DEPARTMENT OF LABOR

### Office of Federal Contract Compliance Programs

#### 41 CFR Part 60-250

RIN 1215-AA62

#### Affirmative Action Obligations of Contractors and Subcontractors for Disabled Veterans and Veterans of the Vietnam Era; Correction

**AGENCY:** Office of Federal Contract Compliance Programs, Labor.

**ACTION:** Correcting amendments.

**SUMMARY:** This document contains corrections to the Office of Federal Contract Compliance Programs (OFCCP) final regulations implementing the affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (38 U.S.C. 4212), which were published January 5, 1995 (60 FR 1986). Those final regulations incorporated, among other things, statutory changes in the mandatory job listing obligations of Federal contractors and subcontractors. The statutory changes eliminated the \$25,000 per year salary ceiling and otherwise broadened the scope of job

openings that Federal contractors and subcontractors must list with the State employment service.

**EFFECTIVE DATE:** February 16, 1996.

**FOR FURTHER INFORMATION CONTACT:** Joe N. Kennedy, Deputy Director, Office of Federal Contract Compliance Programs, Room C-3325, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Telephone (202) 219-9475 (voice) and 1-800-326-2577 (TDD). Copies of this correction document are available in the following alternate formats at the above office: electronic file on computer disk, large print and audio tape.

#### SUPPLEMENTARY INFORMATION:

##### Background

Prior to amendment in 1994, the affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (38 U.S.C. 4212) ("VEVRAA" or "Section 4212"), required that Federal contractors and subcontractors covered by VEVRAA must list "all \* \* \* suitable employment openings" with the appropriate local employment service office. VEVRAA required those offices, in turn, to give priority referrals to veterans for such openings. This obligation to list job openings with the local employment service office is often referred to as the "mandatory listing" requirement. Although Section 4212 did not define the term "all \* \* \* suitable employment openings," this term was defined in OFCCP implementing regulations at 41 CFR 60-250.4(h).

Section 702(a) of the Veterans' Benefits Improvements Act of 1994 (Pub. L. 103-446, 108 Stat. 4645, 4674 (1994)), expanded the scope of the employment openings to be listed with the State employment service office by dropping the word "suitable" from the statutory phrase "all \* \* \* suitable employment openings," broadly defining the term "all \* \* \* employment openings," and limiting the exceptions to the mandatory listing requirement.

The statutory amendment to the mandatory listing requirement does not list all of the exceptions to mandatory listing permitted previously by OFCCP regulations. The amendment eliminated the salary ceiling of \$25,000 per year which was in the OFCCP regulations, and now requires the listing of all employment openings except executive and top management positions, positions that will be filled from within the contractor's organization, and positions lasting three days or less. The final regulation published on January 5, 1995, amended OFCCP's regulation at